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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: KOZDON et al.

Application No.: 10/673,986

Filing Date: 9/29/2003

For: METHOD SYSTEM FOR
PROVIDING INFORMATION
REGARDING AN IDENTITY'S
MEDIA AVAILABILITY

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) Confirmation No.: 2831

) Group Art Unit: 2614

) Examiner: Phan, Joseph T.

) **AMENDMENT AND RESPONSE to**
) Office Action dated June 18, 2008

) Docket No.: 2003P08066US
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**AMENDMENT and RESPONSE
to June 18, 2008 Non-Final Office Action**

Mail Stop Amendment (via EFS)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Non-Final Office Action mailed June 18, 2008, please amend the above-identified application as follows:

Amendments to the claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 6 of this paper.

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) A method, comprising the steps of:

determining a plurality of communication devices associated with an identity;

determining at least one media capability associated with each of said plurality of communication devices;

determining an availability state for each of said at least one media capability associated with each of said plurality of communication devices, where the availability state provides an indication of the availability for each of said at least one specific media capability; and

providing ~~for the identity~~, via a user interface, an aggregated view of the availability states for each of said at least one media capability associated with the identity, wherein the aggregated view of the availability states for each of said at least one media capability associated with the identity does not provide an indication of said plurality of communication devices associated with the identity ~~is not provided~~ via the user interface.

2. (Previously Presented) The method of claim 1, further comprising the step of:

receiving a request for information regarding media capability availability for said identity.

3. (Previously Presented) The method of claim 1, further comprising the step of:

receiving a request for information regarding media capability availability for said plurality of communication devices.

4. (Canceled)

5. (Canceled)

6. (Previously Presented) The method of claim 1, wherein said providing of said aggregated view of data indicative of said availability states further provides information identifying said identity.

7. (Previously Presented) The method of claim 1, wherein said providing of said aggregated view of data indicative of said availability states further provides information identifying an identity context associated with said identity.

8. (Previously Presented) The method of claim 1, further comprising the step of: determining a device context for each of said plurality of communication devices.

9. (Previously Presented) The method of claim 1, further comprising the step of: determining a rule governing availability of said at least one media capability.

10. (Previously Presented) The method of claim 1, further comprising the step of: determining a rule that governs how availability of said at least one media capability is to be determined.

11. (Original) The method of claim 1, further comprising the step of: determining an identity context for said identity.

12 – 16. (Canceled)

17. (Currently Amended) An article of manufacture comprising:

a computer readable medium having stored thereon instructions which, when executed by a processor, cause said processor to:

determine a plurality of communication devices associated with a identity;

determine at least one media capability associated with each of said plurality of devices;

determine an availability state for each of said at least one media capability associated with each of said plurality of communication devices, where the availability state provides an indication of the availability for each of said at least one specific media capability; and

~~provide for the identity~~, via a user interface, an aggregated view of data indicative of said the availability states for each of said at least one media capability associated with the identity , wherein the aggregated view of the availability states for each of said at least one media capability associated with the identity does not provide an indication of said plurality of communication devices associated with the identity ~~is not provided~~ via the user interface.

18. (Currently Amended) A system, comprising:

a processor;

a communication port coupled to said processor and adapted to communicate with at least one device; and

a storage device coupled to said processor and storing instructions adapted to be executed by said processor to:

determine a plurality of communication devices associated with an identity;

determine at least one media capability associated with each of said plurality of communication devices;

determine an availability state for each of said at least one media capability associated with each of said plurality of communication devices, where the availability state provides an indication of the availability for each of said at least one specific media capability; and

~~provide for the identity, via a user interface, an aggregated view of data indicative of said the availability states for each of said at least one media capability associated with the identity, wherein the aggregated view of the availability states for each of said at least one media capability associated with the identity does not provide an indication of said plurality of communication devices associated with the identity ~~is not provided~~ via the user interface.~~

REMARKS

Claims 1 – 3, 5 – 11, and 17 – 18 are in the application. Claims 1, 17, and 18 are currently amended; claims 2, 3, and 6 – 10 were previously presented; claims 4, 5, and 12 – 16 are cancelled; and claim 11 remains unchanged from the original version thereof. Claims 1, 17, and 18 are the independent claims herein.

Claim Rejections – 35 USC § 112

Claims 1, 17, and 18 were rejected under 35 U.C.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In reply thereto, claims 1, 17, and 18 are currently amended to clarify that which is claimed by Applicant. In particular, the amended claims have been amended to clarify the recitation of one identity, the identity associated with the plurality of communication devices. Referring to the Specification, FIGS. 4 – 7, the claimed identity may, for example, correspond to the identity “Brian” in FIGS. 4 – 7.

Applicant also submits that the now claimed aspect of “providing, via a user interface, an aggregated view of the availability states for each of said at least one media capability associated with the identity, wherein said aggregated view of the availability states for each of said at least one media capability associated with the identity does not provide an indication of said plurality of communication devices associated with the identity via the user interface” is fully supported by the Specification. For example, the Specification discloses at page 15, lines 16 – 21 with reference to FIG. 4,

In this example, interface 230 does not list or indicate specific devices associated with Brian. Rather, interface 230 provides information regarding types of media channels that may be used to contact Brian and Brian's availability via different media channels. As indicated in the

interface 230, Brian may be contacted via instant messaging and via a voice call. (emphasis added)

Thus, it is clear that the current recitation of "providing, via a user interface, an aggregated view of the availability states for each of said at least one media capability associated with the identity, wherein said aggregated view of the availability states for each of said at least one media capability associated with the identity does not provide an indication of said plurality of communication devices associated with the identity via the user interface" is in fact supported by the Specification originally filed with the Office. Furthermore, Applicant respectfully submits that claims 1, 17, and 18 are clear and unambiguous, given the direct, concise discussion in the Specification and the corresponding illustrative depictions in the drawings.

Applicant further submits that the aggregated view of the availability states provided in the user interface does not provide a listing or indication of any of the plurality of communication devices associated with the user. The argument presented in the Office Action makes inferences and/or assumptions based on the aggregated view of the availability states provided in the user interface. For example, FIGS. 4 – 7 actually provide indications of the availability of two types of media capabilities (i.e., phone calls and instant messages), however no indication of any of the plurality of communication devices associated with the identity Brian is provided in FIGS. 4 – 7. For example, Brian may be associated with an office phone, a mobile phone, a PC with a phone client/application, a palmtop device with a phone client/application, and other devices capable of telephony. However, it remains a fact tht FIGS. 4 – 7 do not provide an indication of the availability of any of these particular devices but instead provides an aggregated view of the availability states of the media capabilities.

Applicant notes that the claimed invention differs from the cited references, for example, by providing an aggregated view of the availability states of the media capabilities associated with the plurality of communication devices and not the communication devices themselves. This distinction is important since many communication devices may have multiple media capabilities. For example, a mobile phone may have the capability to communicate via SMS messages, voice, MMS

messages, email, instant messages, etc. Thus, the mobile phone (i.e., communication device) may be available while some of the media capabilities may not be available.

Therefore, Applicant respectfully submits that claims 1, 17, and 18 are, at least now, not indefinite under 35 USC 112, second paragraph. Accordingly, Applicant requests the reconsideration and withdrawal of the rejection of claims 1, 17, and 18 under 35 USC 112.

Claim Rejections – 35 USC § 102

Claims 1 – 3, 5 – 11, 17, and 18 were rejected under 35 U.S.C. 102(e) as being anticipated by Becker et al., U.S. Patent No. 6,981,223. This rejection is traversed.

Applicant notes that claims 1, 17, and 18 are currently amended to further clarify that which is claimed as the invention by Applicant, as discussed above with respect to the rejection under 35 USC 112.

Claim 1 relates to a method, including determining a plurality of communication devices associated with an identity, determining at least one media capability associated with each of said plurality of communication devices, determining an availability state for each of said at least one media capability associated with each of said plurality of communication devices, where the availability state provides an indication of the availability for each of said at least one specific media capability, and providing, via a user interface, an aggregated view of the availability states for each of said at least one media capability associated with the identity, wherein the aggregated view of the availability states for each of said at least one media capability associated with the identity does not provide an indication of said plurality of communication devices associated with the identity via the user interface.

Applicant reiterates that Becker explicitly discloses a “pal” and the devices associated with the “pal”. (Becker, FIG. 15) Becker discloses both primary and secondary messaging options. The options depicted include a clear indication of the

devices associated with the “pal” for communication purposes. Explicitly shown are the devices of a SMS mobile phone, a J2ME phone (indicated by the handset in a circle icon; Applicant notes that this particular icon does not represent an “availability” as argued by the Examiner), a fax machine, etc. (Becker FIG. 15, including panel 1560)

Therefore, it is clear that Becker’s disclosed user interface, method, and system specifically provides an indication of the particular devices associated with the “pals” therein. This particular disclosure of Becker is in direct opposition to the claimed aspect of “providing, via a user interface, an aggregated view of the availability states for each of said at least one media capability associated with the identity, wherein said aggregated view of the availability states for each of said at least one media capability associated with the identity does not provide an indication of said plurality of communication devices associated with the identity via the user interface”.

Therefore, Applicant respectfully submits that Becker fails to anticipate claims 1, 17, and 18. Applicant also submits that claims 2, 3, and 5 – 11 are also patentable over Becker under 35 USC 102 for at least depending from an allowable base claim.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1 – 3, 5 – 11, 17, and 18 under 35 USC 102., and the allowance of claims 1 – 3, 6 – 11, 17, and 18.

CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

October 17, 2008

Date

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